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DATE FILED: 9-7-07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL SUBROGATION SERVICES, LLC,:

Plaintiff,:

- against -:

YELLOW TRANSPORTATION, INC.,:

Defendant.:

-----X
VICTOR MARRERO, United States District Judge.

07 Civ. 4817 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

Counsel for plaintiff on behalf of the parties, having notified the Court, by letter dated September 7, 2007, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

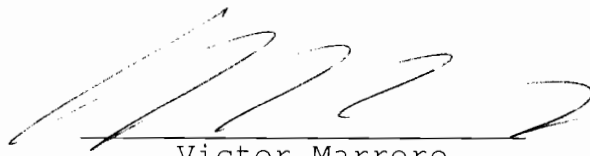
plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The conference scheduled for September 7, 2007 is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated as set forth above and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
7 September 2007



Victor Marrero
U.S.D.J.

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September 7, 2007

VIA FACSIMILE AND ECF 212-805-6382Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007RE: National Subrogation Services v. Yellow Transportation
Index No.: 07 CV 4817
Our Ref.: 07-S-001-LS

Dear Honorable Judge Marrero:

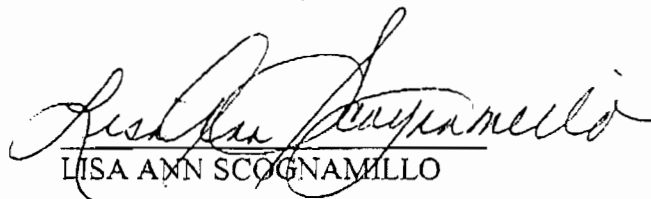
We represent the plaintiff in the above-referenced matter.

We are pleased to inform the Court that this matter has been amicably settled by the parties, and thus there is no need to proceed with this afternoon's conference scheduled for 3 p.m. We will follow-up with a Stipulation of Discontinuance shortly.

We thank the Court for its time and for being instrumental in facilitating a settlement.

Very truly yours,

BADIAK & WILL, LLP


LISA ANN SCOGNAMILLOcc: Nowell Amoroso Klein Bierman, P.A.
155 Polifly Road
Hackensack, New Jersey 07601
Attn.: Thomas C. Martin, Esq.**VIA FACSIMILE AND ECF-201-343-5181**